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8 COUNTY OF LOS ANGELES
9 DEPARTMENT OF PUBLIC HEALTH,
MUNTU DAVIS, M.D., and BARBARA
FERRER, PhD

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

14 ALLIANCE OF LOS ANGELES
15 COUNTY PARENTS, an unincorporated
association

16 Petitioner and Plaintiff,

17 v.

18 COUNTY OF LOS ANGELES
19 DEPARTMENT OF PUBLIC HEALTH;
20 MUNTU DAVIS, in his official capacity
as Health Officer for the County of Los
Angeles; BARBARA FERRER, in her
official capacity as Director of the County
of Los Angeles Department of Public
Health; and DOES 1 through 25, inclusive,

23 Respondents and Defendants.

14 Case No. _____

NOTICE OF REMOVAL

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1 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE CENTRAL
2 DISTRICT OF CALIFORNIA, AND TO PETITIONER AND PLAINTIFF AND ITS
3 ATTORNEYS OF RECORD:

4 PLEASE TAKE NOTICE that Respondents and Defendants County of Los Angeles
5 Department of Public Health, Muntu Davis, M.D., and Barbara Ferrer, PhD (collectively, the
6 “**LACDPH Defendants**”) hereby provide notice of the removal to the United States District
7 Court for the Central District of California of the following lawsuit, originally filed on July
8 26, 2022 in the Superior Court for the County of Los Angeles: *Alliance of Los Angeles*
9 *County Parents v. County of Los Angeles Department of Public Health, Muntu Davis,*
10 *Barbara Ferrer, et al.*, LASC Case No. 22DTCP02772 (the “**State Court Action**”). The
11 following is a short, plain statement of the grounds for removal. *See* 28 U.S.C. § 1446(a).

12 **A. DESCRIPTION OF THE ACTION.**

13 On July 26, 2022, Petitioner and Plaintiff Alliance of Los Angeles County Parents
14 (“**Petitioner**”) filed a *Petition for Writ of Mandate* (“**Petition**”) against the LACDPH
15 Defendants in the Los Angeles County Superior Court. The LACDPH Defendants accepted
16 service on or about August 15, 2022.

17 The *Petition* asserts six causes of action. The First, Second, and Third Causes of
18 Action each seek a writ of mandate pursuant to CAL. CIV. PROC. CODE § 1085 for purported
19 “Abuse of Discretion under Health and Safety Code sections 120175 and 101040.” The
20 Fourth Cause of Action asserts a purported violation of equal protection under the California
21 Constitution. The Fifth Cause of Action asserts a purported declaratory relief claim
22 premised on the alleged equal protection violation. The Sixth Cause of Action asserts a
23 purported claim under 42 U.S.C. § 1983 for violation of Petitioner’s members’ rights under
24 the United States Constitution. The *Petition* thus raises a claim under federal law,
25 specifically 42 U.S.C. § 1983 and the United States Constitution. The nature of the action is
26 more fully stated in the *Petition*, a copy of which is attached hereto as part of **EXHIBIT A**.

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1 **B. BASIS FOR REMOVAL (FEDERAL QUESTION).**

2 Under 28 U.S.C. § 1331, the “district courts shall have original jurisdiction of all civil
3 actions arising under the Constitution, laws, or treaties of the United States.” Here,
4 Petitioner asserts against the LACDPH Defendants a cause of action for purported violation
5 of 42 U.S.C. § 1983 premised upon alleged violations of Petitioner’s members’ rights under
6 the United States Constitution. [*Petition*, ¶¶ 148-156.] Accordingly, this action is properly
7 removed under 28 U.S.C. §§ 1331, 1367(a), and 1441(a).

8 **C. THE NOTICE OF REMOVAL IS PROCEDURALLY PROPER.**

9 Based on the foregoing, this action is a civil action over which this Court has original
10 jurisdiction pursuant to 28 U.S.C. § 1331, and is one that may be removed to this Court
11 pursuant to 28 U.S.C. §§ 1441 and 1446. There is supplemental jurisdiction over
12 Petitioner’s state law claims under 28 U.S.C. § 1367(c).

13 The filing of this *Notice of Removal* is filed within the time period required under 28
14 U.S.C. § 1446(b) because it has been filed within thirty (30) days after the *Petition* asserting
15 a federal question was filed on July 26, 2022, and within 30 days of August 15, 2022, when
16 the LACDPH Defendants accepted service.

17 In accordance with the requirements of 28 U.S.C. § 1446(a), copies of the *Petition*
18 and all other papers served on the LACDPH Defendants in the State Court Action as of the
19 filing of this *Notice of Removal* are attached hereto as **EXHIBIT A**.

20 The LACDPH Defendants will give written notice of the filing of this *Notice of*
21 *Removal* to all adverse parties as required by 28 U.S.C. § 1446(d) and will file a copy of this
22 *Notice of Removal* with the Clerk of the Superior Court of California, County of Los
23 Angeles, as further required by § 1446.

24 Venue is proper in this Court because the action is being removed from the Superior
25 Court in the County of Los Angeles.

26 There are no other named defendants whose consent would be required for removal.
27 *See* 28 U.S.C. § 1446.

D. CONCLUSION.

2 For all of the foregoing reasons, the LACDPH Defendants request that the State
3 Court Action pending before the Superior Court of the State of California for Los Angeles
4 County be removed to the United States District Court for the Central District of California
5 as if originally filed herein.

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7 | Dated: August 23, 2022

SHEPPARD MULLIN RICHTER & HAMPTON LLP

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By _____ /s/ Kent R. Raygor
KENT R. RAYGOR

10 Attorneys for Respondents and Defendants
11 COUNTY OF LOS ANGELES, MUNTU DAVIS,
M.D., and BARBARA FERRER, PhD

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in Orange County, State of California. My business address is 1901 Avenue of the Stars, Suite 1600, Los Angeles, CA 90067.

On August 23, 2022, I served true copies of the following document(s) described as **NOTICE OF REMOVAL** on the interested parties in this action as follows:

Julie A. Hamill
Hamill Law & Consulting
904 Silver Spur Road, #287
Rolling Hills Estates, California 90274

Attorney for Petitioner
ALLIANCE OF LOS ANGELES
COUNTY PARENTS

BY HAND DELIVERY: I caused such envelope(s) to be delivered by hand to the office of the addressee(s).

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct and that I am employed in the office of a member of
the bar of this Court at whose direction the service was made.

13 || Executed on August 23, 2022, at Costa Mesa, California.

/s/Hina Siddiqui
Hina Siddiqui